VARIANCE APPLICATION

AITLIOATION	Dra
Owner: Timothy Saewert	RECEIVED
Mailing Address: 1525 W. Tallcott Rd	NOV 1 7 2020
Park Ridge, IL 60068	Kenosha County Planning and Development
Phone Number(s): 847-544-9222	
To the Kenosha County Board of Adjustment: Please take notice that the undersigned was refused a Zoning Pe of Planning and Development for lands described below for th comply with the Kenosha County General Zoning and Shorela owner or assigned agent herewith appeals said refusal and seeks	ne reason that the application failed to and/Floodplain Zoning Ordinance. The a variance.
	oning District: R-3
Property Address: 8847 406th Ave Powers Lake WI 53159 St	oreland: Yes
Subdivision: A.C. Hesings Powers Lake Subdivision Lo	t(s): Block:
Current Use: Residential Home and detached garage	•
Proposal: Residential Home with an Addition (the detached gar	age will not be affected) The
current challenge & reason for the variance request is based o	n the distance from an oddly placed
ROW. to the proposed addition location, dimension to propose	d is about 26.5' ordiance requires 30'.
REQUIRED BY ORDINANCE	VARIANCE REQUESTED
Section: 1/2 C. 12-21 -3cg) _ 30' from R.O.W (right of way)	26.5'
Section:	
Section:	

An Area Variance is authorization by the Kenosha County Board of Adjustments to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction.

The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.

- (1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:
 - (A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.
- 1) Alternatives would require complete removal of the building and foundation and to construct all new in compliance with the 30' ROW setback (the space that could be gained on the west side of the building cannot function logically as a typical space (about 8.5' would be the width of the room)
- A) Due to the existing footprint and structural design of the existing building (pre addition), the only compliant options would cause virtually all work to occur on the lake-side of the home and unneccessarily make the existing rooms and current use illogical. As mentioned in (#1) the small amount of expansion to the west (8.5') could not accommodate normal useage. We've considered razing the complete existing residence and foundation, constructing all new, but this seems unnecessary and wasteful, especially considering the integrity of the existing structure
 - (B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.
- B) Conversations with County and Town officials offered this alternative: Vacate the R.O.W. in question (approximately 6.5' in width (east-west) and 16.5' in length (north-south)). It seems generally agreed the ROW serves no purpose and its creation pre-dates County-wide Zoning. The reason this Alternative is rejected is that it will require significantly more: 1) people to be involved, 2) attorney involvement by all parties), 3) time to complete 4) cost to achieve, and, generally the Town would rather not give-up ROW's as they are very difficult to regain.
- (2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

- 2) We (based on conversations with Town and County officials) believe the ROW should not exist, that it serves no purpose, and that the hardship is one inflicted unintentionally and unknowlingly and without purpose during the original platting process. The creation of this water-front property (along with so many in our area platted in similiar time-frames) did not consider what life and needs would look like in 2020....most of these were created as small weekend summer cottage lots and many don't meet current standards. The planned addition is pushed-back as far as it can be to work logically with the existing foundation and floor plan and simple hardship is that it cannot function as a year round home in its current format.
- (3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

3) The unique physical characteristic of the property which prevent compliance are two fold:

1) The first is the very small platted ROW (coupled with the zoning laws implemented after the cottage was constructed)

- 2) The second, there is not enough space to construct a private septic field on the remaining property if the home was pushed back to comply (without the loss of all trees on the lake-side of the property)
- (4) What would be the effect on this property, the community or neighborhood and the public interest if the variance was granted? How can these impacts be mitigated.

These interests are listed as objectives in the purpose statement of an ordinance and may include: drainage, visual impact, and fire safety and building code requirements.

4) We believe there is no negative affect to the property, the neighbors or the community in granting this variance. The subject property is at the end of rarely traveled road (except to serve this and one other residence). The addition is set-back from the road five feet further than the existing structure. If the oddly placed ROW did not exist, the zoning permit would be issued and the addition would be deemed compliant. The degree of relief is about 3.5'

The undersigned hereby attests that the above stated information is true and accurate and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the Appeal request made herein, during reasonable daylight hours.

Owners Signature:	
Agent: <u>Jeff Auberger - SBI</u>	Signature:
Agents Address: 204 Commerce Ct. Elkhorn	ı, WI 53121
Phone Number(s): 262-723-7232 (o) 262	

Benjamin Fiebelkorn

Timothy Saewert Patricia Saewert

Jeff Auberger <jeff@stebnitzbuilders.com> From: Sent: Tuesday, November 17, 2020 11:24 AM Benjamin Fiebelkorn To: FW: E-mail Authorization **Subject:** Please see below. Thanks, Jeff Sent from my U.S.Cellular© Smartphone ----- Original message -----From: Patricia Saewert <cruzfr2@aol.com> Date: 11/16/20 10:07 PM (GMT-06:00) To: Jeff Auberger <jeff@stebnitzbuilders.com> Subject: E-mail Authorization To whom it may concern, Our names are Timothy and Patricia Saewert, owners of the subject property known as 8847 406th Ave., Powers Lake, Wisconsin 53159, also identified as tax key 60-4-119-182-0480. This e-mail shall serve as notice that we authorize Jeff Auberger of Stebnitz Builders Inc., to act as our representing agent for activities related to the Variance Application at both the Town and County. If you have any questions, Tim can be reached by phone at 847-544-9222. Thank you for your consideration, Sincerely,

Jeff Auberger

From:

Kate DeLazzer <kate@slpandh.com>

Sent:

Thursday, September 17, 2020 12:37 PM

To:

Jeff Auberger

Subject:

RE: Saewert Septic System

Attachments:

noreply@slpandh.com_20200917_123612.pdf

THIS EMAIL SHOWS SLPFH
DESIGNED THE NEW SEPTICE
TANK & FIELD.

TANK & FIELD.

#3-SUB #2

Jason drew on this for you-

Kate De Lazzer Plumbing Sales

Southern Lakes Plumbing & Heating, INc. N5860 US HWY 12 Elkhorn, WI 53121 Direct Line 262-723-9161

Office Hours: Monday-Thursday 8:30-4:30

From: Jeff Auberger < jeff@stebnitzbuilders.com> Sent: Wednesday, September 16, 2020 2:42 PM

To: Jeff Flitcroft <jeff@slpandh.com>; Kate DeLazzer <kate@slpandh.com>

Subject: Saewert Septic System

Hi Jeff,

Attached is a survey of the Saewert project on Powers Lake. Jason did the soil test for us. The client hopes to not lose the two trees (which are shown generally correctly here) I suspect Jason will know if he felt the system could fit (as I've shown it) or not....again, can we do the system without impacting the two trees.

We are VERY close to signing (we presented today and expect to sign early next week) but we would like an answer to this question. Please review and advise at your earliest opportunity.

THANKS!

Best,

Jeff Auberger Construction Consultant - Designer



p: 262.723.7232

tf: 800.410.8027

w: Stebnitz Builders, Inc

c: 262.379.4299

a: 204 Commerce Court, #3, Elkhorn, WI 53121









N89°26'00"E SHARED GRAVEL DRIVE AS TRAVELED 46, 872 sqft ⊲ RIGHT-OF-WAY VOOD X FENCE utility **EXISTING** concrete DWELLING cellar stairs 216. 83 53 sqft 695 sqft 75. 15.1' wood stoop WALK WOOD 171 sqft DRIVE RAILROAD 2,746 sqft 4 59 sqft NO0.29'37' CONCRETE S00*41'41"W 5.2 STORAGE CLOSETS 35 sqft concrete GARAGE 993 sqft 5.0 GRAPHIC SCALE SCALE: 1" = 20**LEGEND** "I hereby certify that I have surveyed the above described property and that the above map is a correct representation thereof and shows the size and location of the property, its exterior UTILITY POLE boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments, if any." SET 10" SPIKE FOUND IRON ROD "This survey is made for the use of the present owners of the property, and those who purchase, mortgage, or guarantee the title thereto within one year from date hereof." 0 FOUND IRON PIPE FOUND CHISEL CUT IN CONC. SEAWALL B.W. SURVEYING, INC.

LAND SURVEYS MAPPING AND PLANNING 412 N. PINE STREET

BURLINGTON, WI 53105

(262) - 767 - 0225

PLAT OF SURVEY -0F-

A PART OF LOT 1 OF A.C. HESING'S POWERS LAKE SUBDIVISION AND OTHER LAND LOCATED IN FRACTIONAL SECTION 18, TOWNSHIP 1 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89°26' EAST ALONG THE NORTH LINE OF SAID LOT 1, 65 FEET TO A POINT; THENCE SOUTH 0014' WEST PARALLEL TO THE WEST LINE OF SAID LOT 1, 140.91 FEET TO AN IRON PIPE; THENCE CONTINUING SOUTH 00°14' WEST 37 FEET, MORE OR LESS, TO THE LOW WATER MARK OF POWERS LAKE, THENCE SOUTHWESTERLY ALONG SAID LOW WATER LINE 85.50 FEET, MORE OR LESS, TO A POINT THAT IS LOCATED 10 FEET WEST AT RIGHT ANGLES TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°14' EAST PARALLEL TO THE WEST LINE OF SAID LOT 1, 49 FEET, MORE OR LESS, TO AN IRON PIPE THAT IS LOCATED SOUTH 70°21' WEST 79. 24 FEET FROM THE LAST MENTIONED IRON PIPE; THENCE CONTINUING NORTH 00'14' EAST 168.50 FEET TO A POINT; THENCE SOUTH 89'26' EAST 10 FEET TO THE PLACE OF BEGINNING, LYING AND BEING IN THE TOWN OF RANDALL, COUNTY OF KENOSHA, AND STATE OF WISCONSIN.

ALSO: THE RIGHT TO USE THE FOLLOWING DESCRIBED PARCEL OF LAND AS A RIGHT OF WAY FOR INGRESS AND EGRESS TO THE PROPERTY HEREIN DESCRIBED, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF THE PARCEL HEREINABOVE DESCRIBED; THENCE RUNNING WESTERLY ALONG AND UPON THE NORTH LINE OF SAID LOT ONE (1) OF SAID SUBDIVISION EXTENDED WEST 6.5 FEET; THENCE RUNNING SOUTH 16.5 FEET; THENCE EAST 6.5 FEET TO THE WEST LINE OF THE PARCEL OF LAND HEREINABOVE DESCRIBED; THENCE RUNNING NORTH 16.5 FEET ALONG THE WEST LINE OF THE PARCEL HEREINABOVE DESCRIBED TO THE PLACE OF BEGINNING. LYING AND BEING IN THE TOWN OF RANDALL, COUNTY OF KENOSHA, AND STATE OF WISCONSIN.

SURVEY FOR: STEBNITZ BUILDERS SURVEY ADDRESS: 8847 406TH AVENUE

> PARCEL: 14,714 sqft - 0.34 Acres IMPERVIOUS SURFACES

INCLUDING THE SHARED GRAVEL DRIVE AS TRAVELED: 6,859 sqft 47% OF LOT

NOT INCLUDING THE SHARED GRAVEL DRIVE AS TRAVELED: 5,987 sqft 41% OF LOT

NOTE: REFER TO A CURRENT TITLE REPORT FOR EASEMENTS AND RESTRICTIONS WHICH MAY AFFECT THE USE OF THIS SITE.



THIS IS NOT AN ORIGINAL PRINT UNLESS THIS SEAL IS RED.

ROBERT J. WETZEI

MAY 11, 2020

DATE

10118 JOB NUMBER

S89°26'00"E SHARED GRAVEL DRIVE AS TRAVELED :872 sqft: VOOD X FENCE (utility 14.8 5.0 24.42 concrete STONE STONE RAILROAD EXISTING 48 20 sqft DWELLING H 83 9 & PROPOSED 175. ADDITION 4 1382 sqft INCLUDING LEDGE 10.82 RAISED STONE 15.2' PATIO 24.42 155 Sq.Ft. 14.2 67 RAILROAD TIES AND GRAVEL DRIVE REMAINING IN THIS AREA GRAVEL TO BE REMOVED DRIVE ,845 sqft N00.29 CONCRETE 4 4 144 sqft · 5.2' STORAGE CLOSETS **GARAGE** stoops 993 sqft 5.0' 0.9 GRAPHIC SCALE shed 33 sqf SCALE: 1" = 20'LEGEND "I hereby certify that I have surveyed the above described Thereby certify that I have surveyed the above described property and that the above map is a correct representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent TO UTILITY POLE

PLAT OF SURVEY -OF-

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SURVEY FOR: STEBNITZ BUILDERS SURVEY ADDRESS: 8847 406TH AVENUE

> PARCEL: 14,714 sqft - 0.34 Acres IMPERVIOUS SURFACES

PROPOSED INCLUDING THE SHARED GRAVEL DRIVE AS TRAVELED: 6,448 sqft 44% OF LOT

NOT INCLUDING THE SHARED GRAVEL DRIVE AS TRAVELED: 5,576 sqft PROPOSED 38% OF LOT

NOTE: REFER TO A CURRENT TITLE REPORT FOR EASEMENTS AND RESTRICTIONS WHICH MAY AFFECT THE USE OF THIS SITE.



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412 N. PINE STREET (262) - 767 - 0225

REVISED: AUGUST 6, 2020 REVISED: NOVEMBER 16, 2020

MAY 11, 2020 DATE

JOB NUMBER



LAND SURVEYS MAPPING AND PLANNING BURLINGTON, WI 53105

easements, roadways and encroachments, if any.

"This survey is made for the use of the present owners of the

property, and those who purchase, mortgage, or guarantee the title thereto within one year from date hereof."

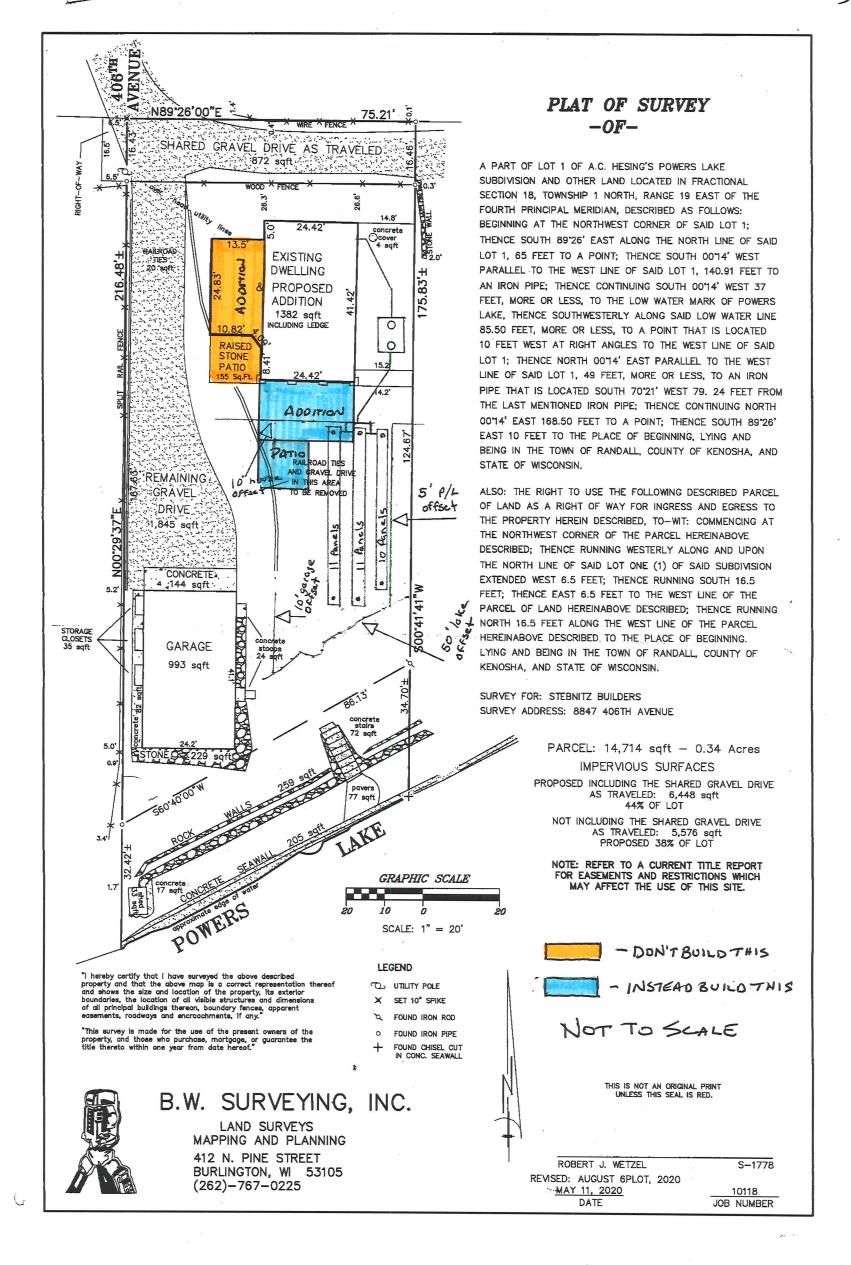
SET 10" SPIKE

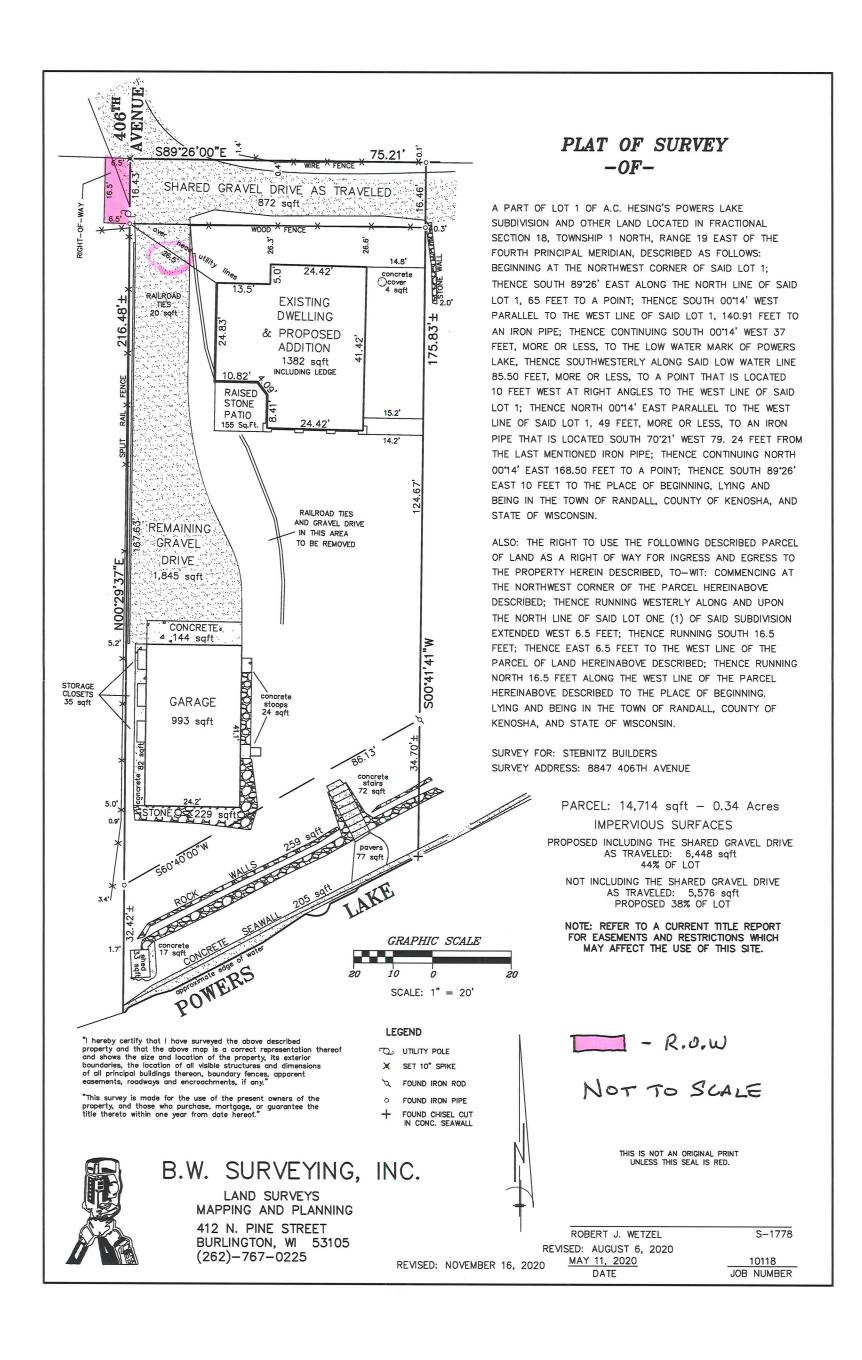
FOUND IRON ROD

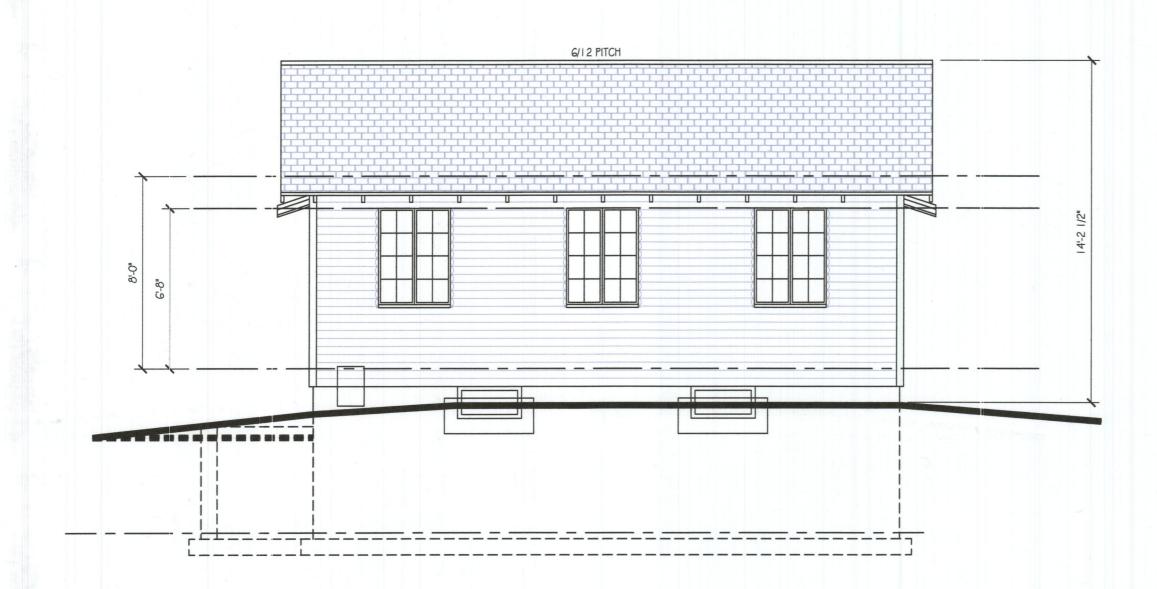
FOUND IRON PIPE

FOUND CHISEL CUT IN CONC. SEAWALL

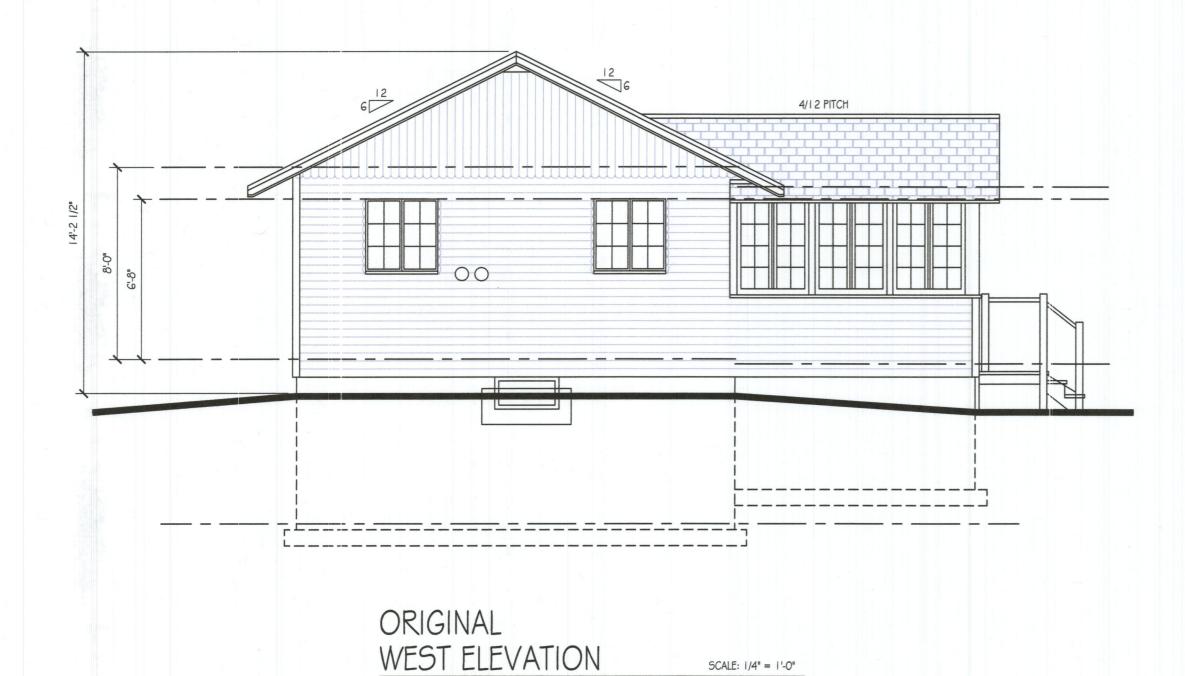
#3-508 #2: IF PLANNED ADDITION (ON WEST SIDE OF HOME) ALONG WITH PATIO WERE MOVED TO SOUTH SIDE OF HOME (TO BE COMPLIANT) A PRIVATE SEPTIC CANNOT / WILL NOT FIT ON THE SITE WITH ITS REQUIRED BETBACK - THE TANK PLACEMENT, AND FIELD WERE DESIGNED BY SOUTHERN LAKES PLUMBING & HEATING (SEE ATTACKED E. MAIL)



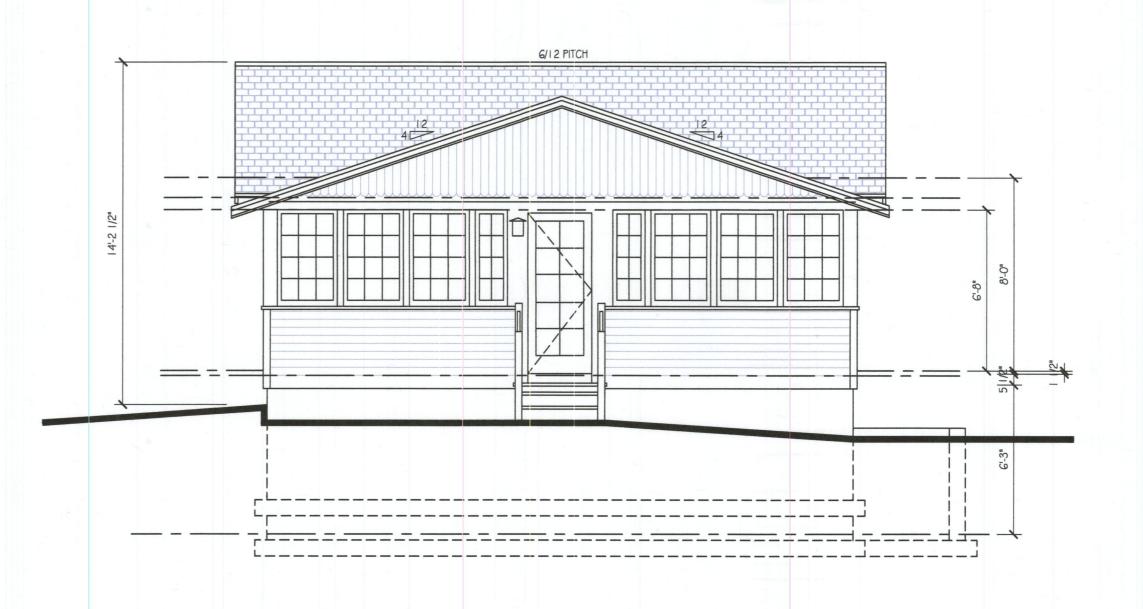




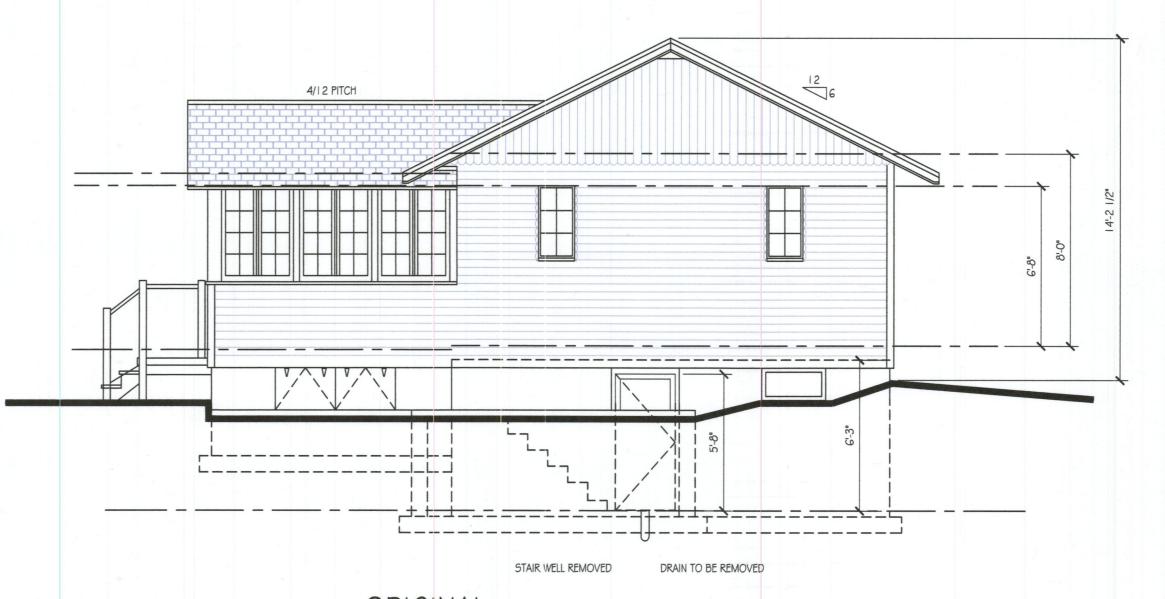
ORIGINAL NORTH ELEVATION SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"



ORIGINAL SOUTH ELEVATION



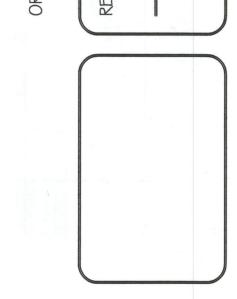
SCALE: 1/4" = 1'-0"

ORIGINAL EAST ELEVATION

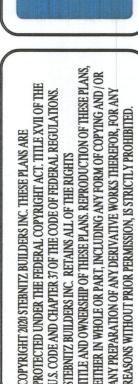
SHEET INDEX SHEET I - ORIGINAL ELEVATIONS ALL SHEET 2 - ORIGINAL FOUNDATION & FLOOR PLAN SHEET 3 - REVISED ELEVATIONS SOUTH \$ NORTH SHEET 4 - REVISED ELEVATIONS EAST \$ WEST SHEET 5 - REVISED FOUNDATION SHEET 6 - REVISED FIRST FLOOR SHEET 7 - NEW SECOND FLOOR SHEET 8 - SECTION DETAILS SHEET EI - ELECTRICAL FOUNDATION

SHEET E2 - ELECTRICAL FIRST FLOOR

SHEET E3 - ELECTRICAL SECOND FLOOR





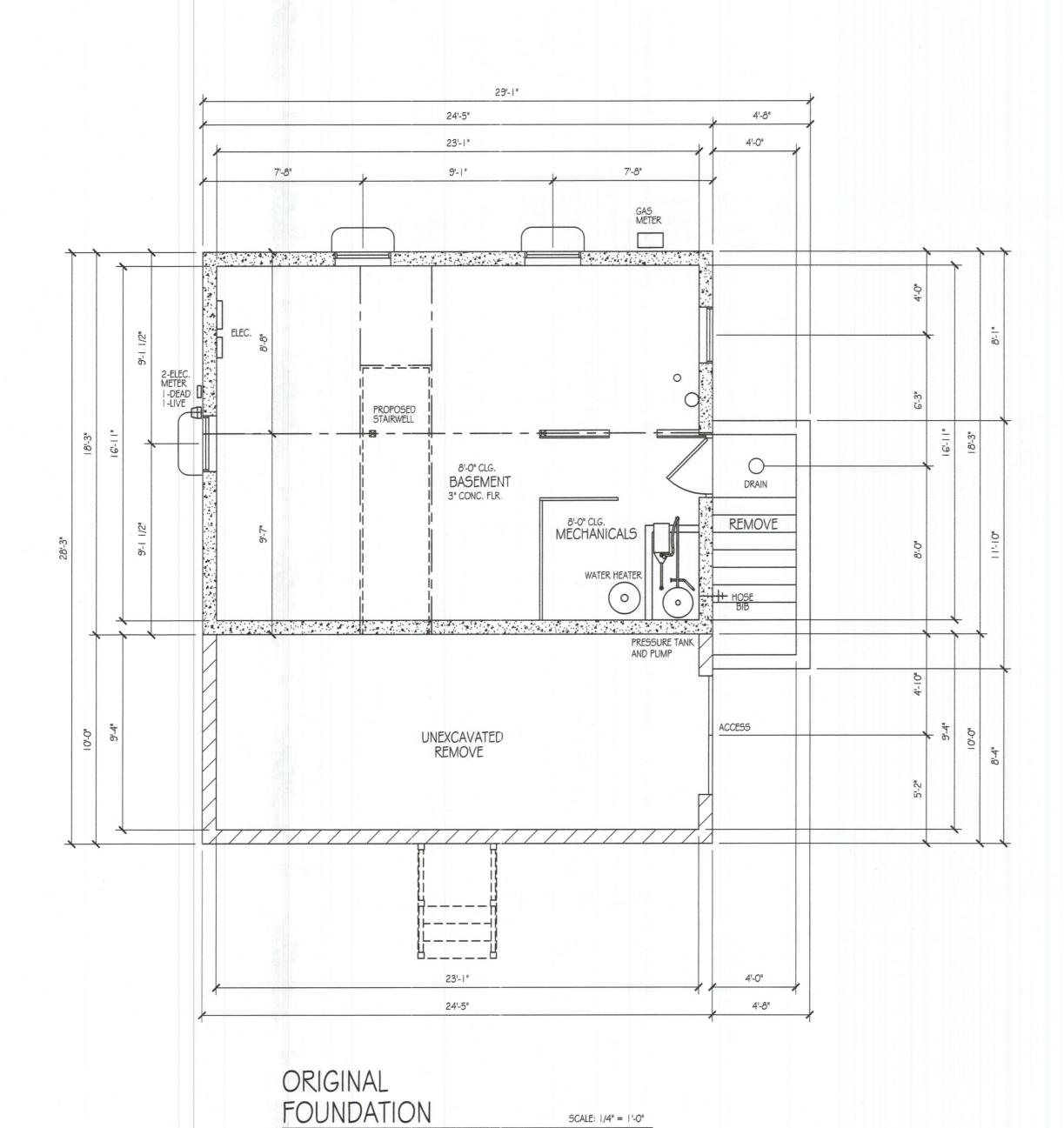


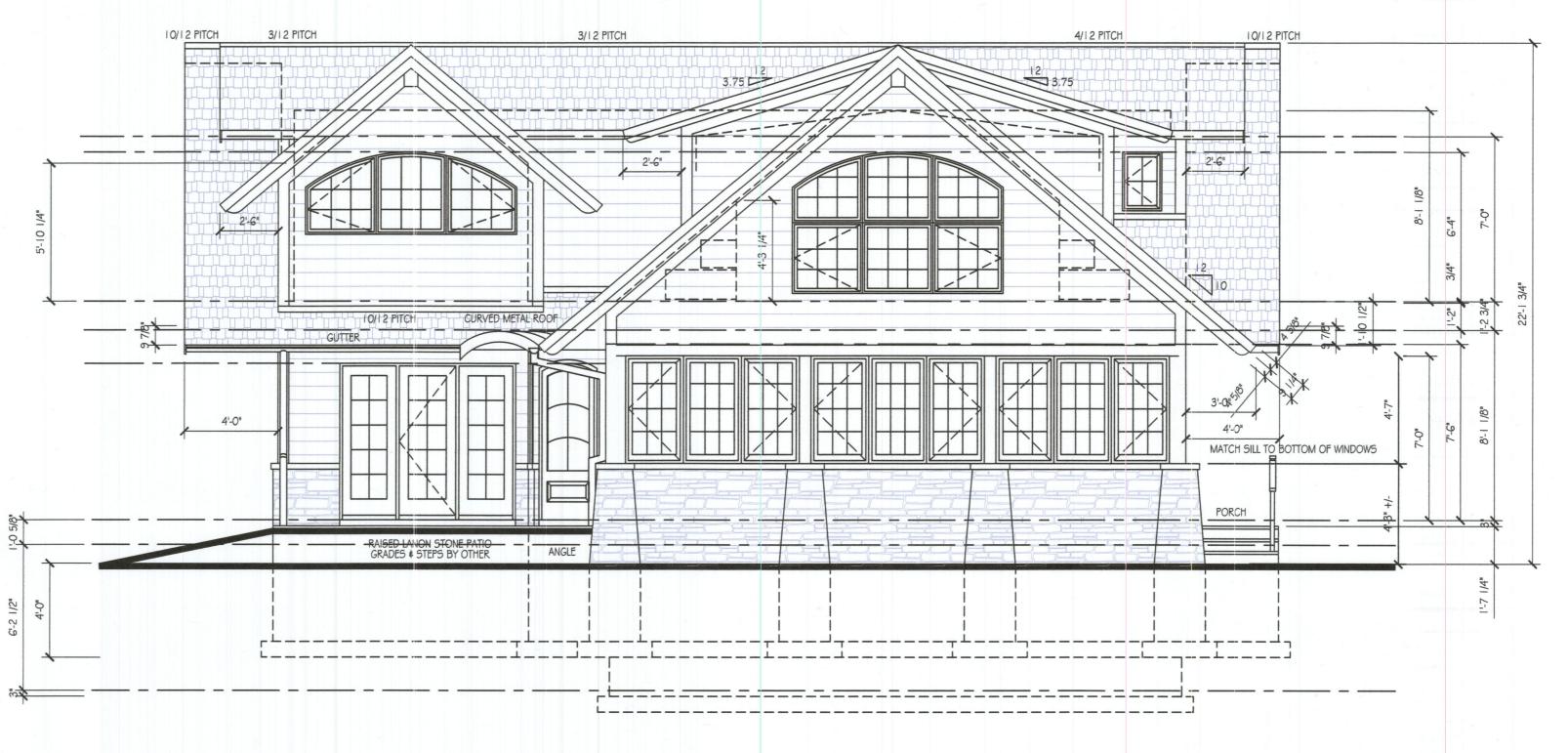
15'-8" 7'-3 1/2" ALL PINE FINISHES TO BE REMOVED CAREFULLY FOR POSSIBLE REUSE ON ADDITION ALL PINE FINISHES TO BE REMOVED CAREFULLY FOR REUSE ON ADDITION 8'-0" CLG.

ENCLOSED PORCH WOOD FLR.

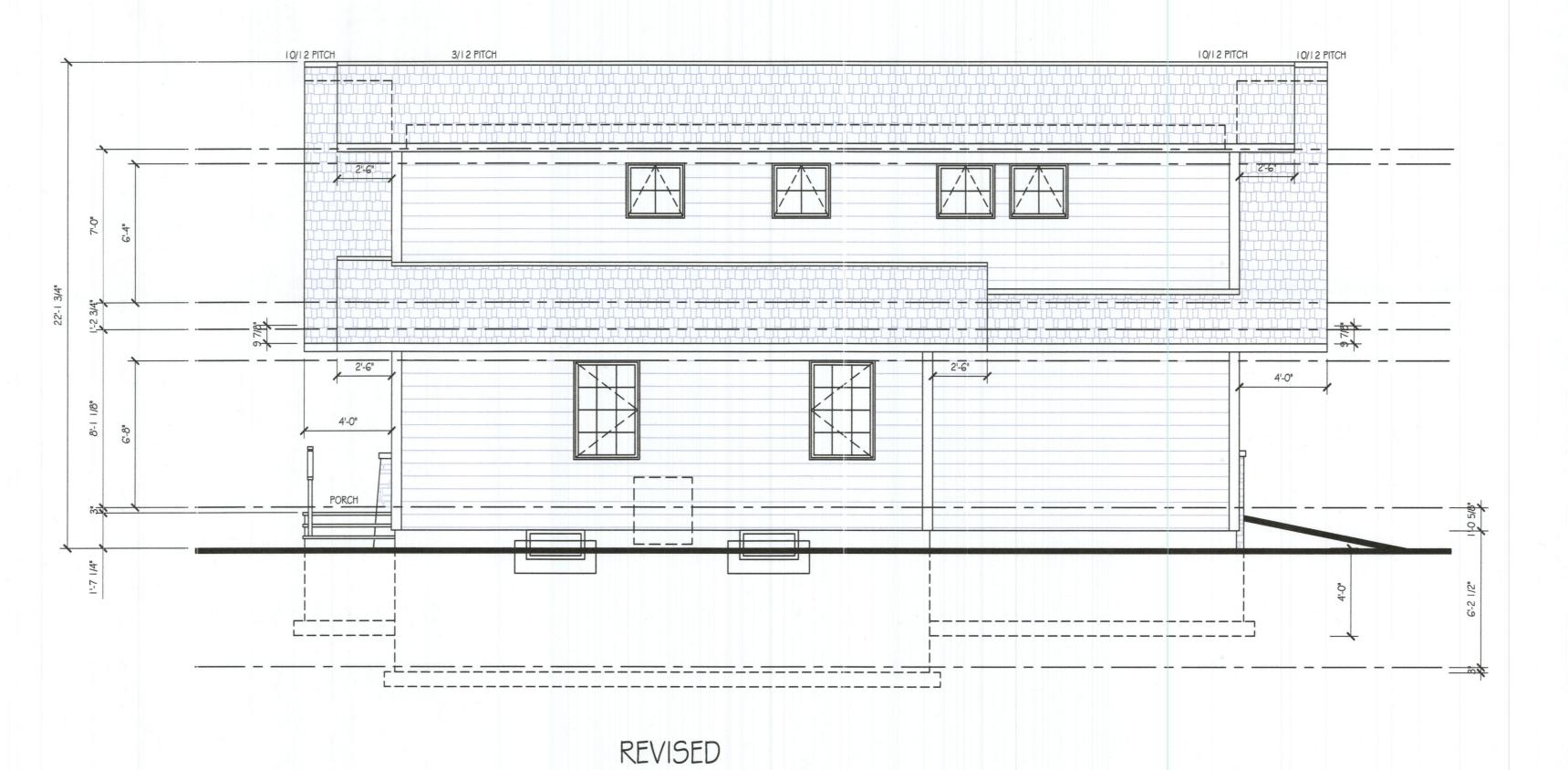
REMOVE KEEP WINDOWS KEEP WINDOWS 23'-8" 24'-5" ORIGINAL MAIN FLOOR SCALE: 1/4" = 1'-0" 448 SQ. FT. HEATED

244 SQ. FT. PORCH





REVISED SOUTH ELEVATION SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

EXTERIOR MATERIALS:

SIDING: 8" LOG SIDING TRIM: 2X6 CORNERS

TARRIVI. 2AO CURNERS

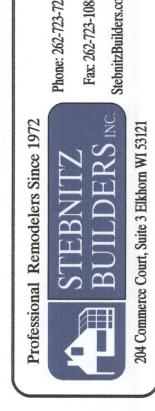
FASCIA: 1X6 EVES & 2X10 GABLES W/ 1X6 RAKE BRD. GABLES WITH SHAPED TAIL

SOFFIT: 3/8" PLY VENTED

ROOFING: DIMENSIONAL SHINGLES STONE: PER ELEV. W/ STONE SILL

REVISED SQ. FT. 2505 DATE REV. 9-18-2020



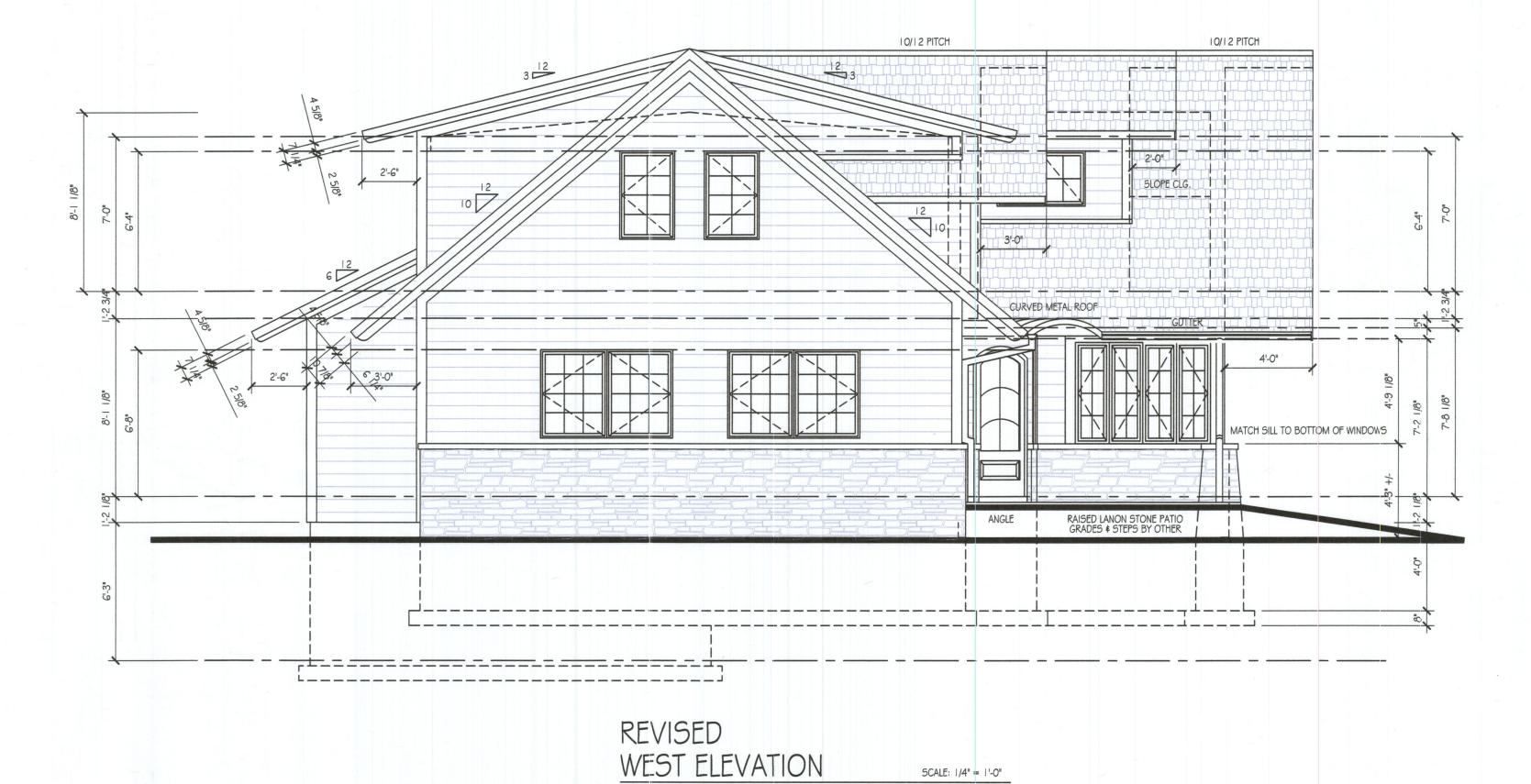


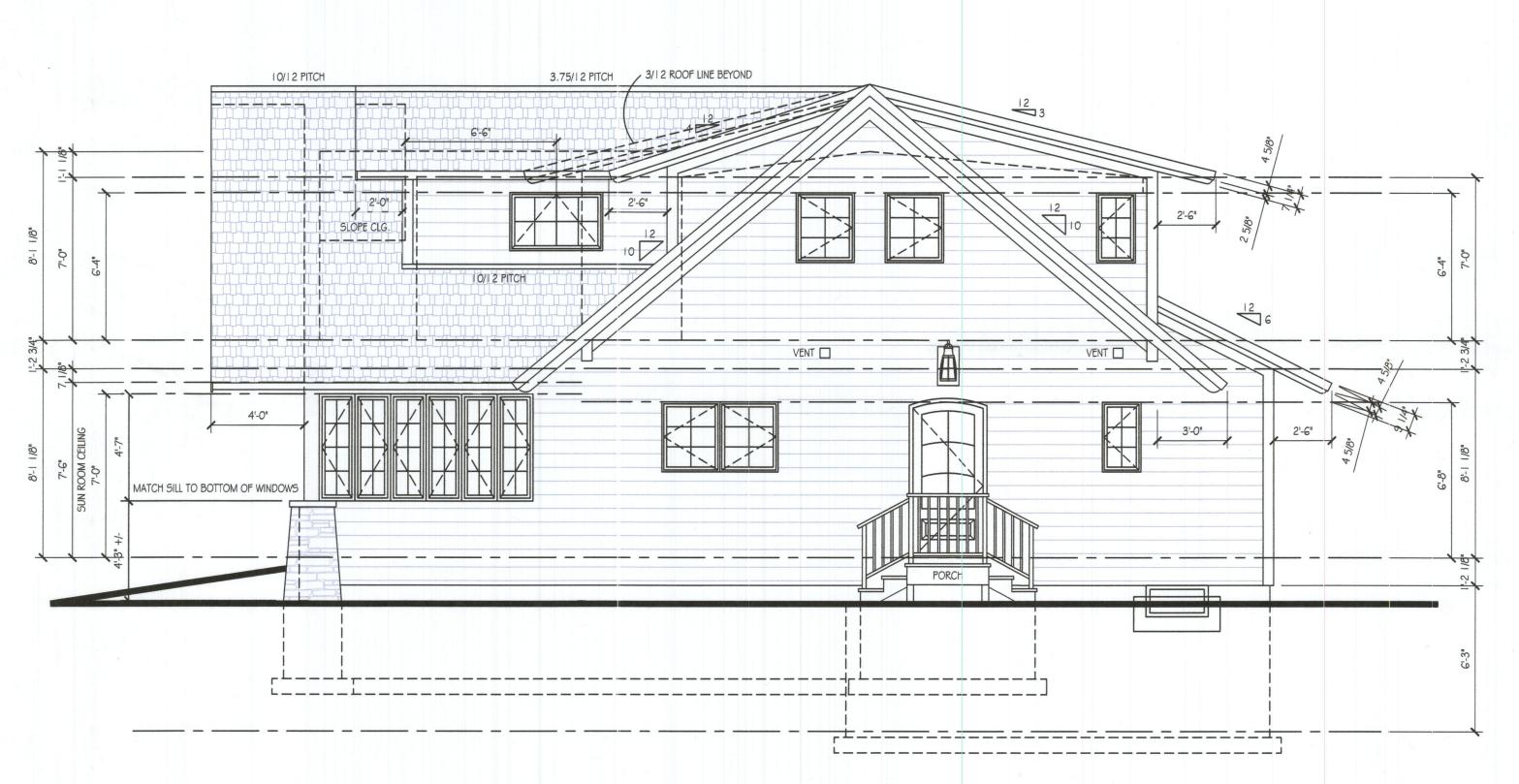
HEISLEN DESIGNS
"Making your home shine with great desig
Drawn by Matthew J. Heislen
134 Lincoln Ave Mukwonago, WI 53149
Phone 262-378-9838
Web Site: hdhomeplans.c



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TIM & PATRICIA SAEWERT
8847 406TH AVE.





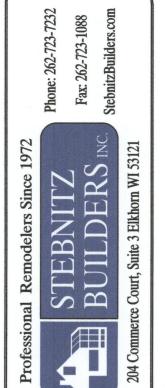
REVISED EAST ELEVATION SCALE: 1/4" = 1'-0"

EXTERIOR MATERIALS:

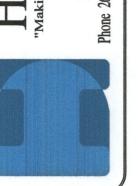
SIDING: 8" LOG SIDING
TRIM: 2X6 CORNERS
FASCIA: 2X4 EVES & 2X8 W/ 1X3 RAKE BRD. GABLES WITH SHAPED TAIL
SOFFIT: 3/8" PLY VENTED
ROOFING: DIMENSIONAL SHINGLES
STONE: PER ELEV. W/ STONE SILL

2505 DATE REV.



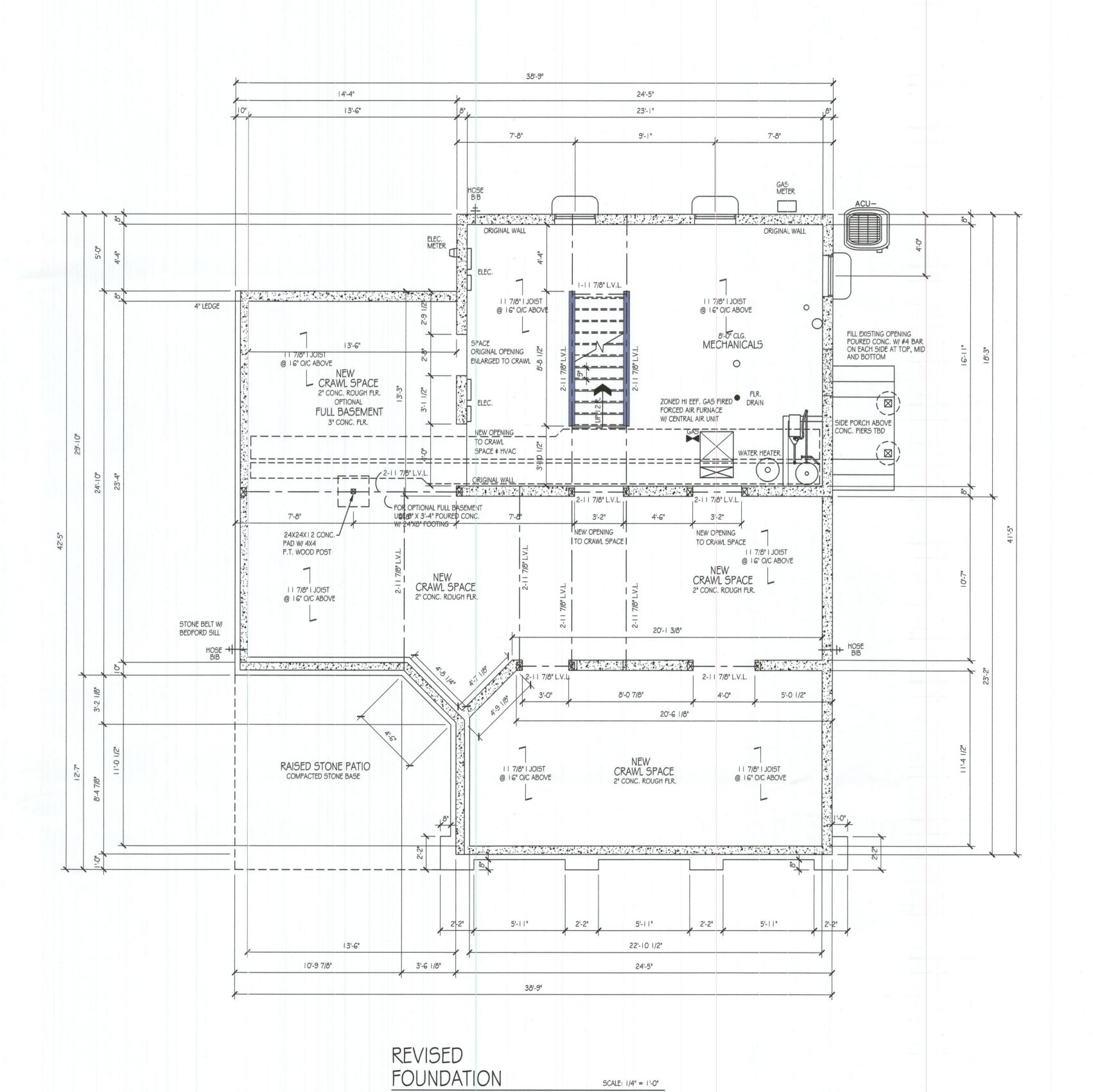


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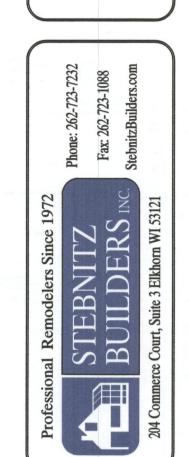


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IM & PATRICIA SAEWERT
847 406TH AVE.



2505 DATE REV. 9-18-2020



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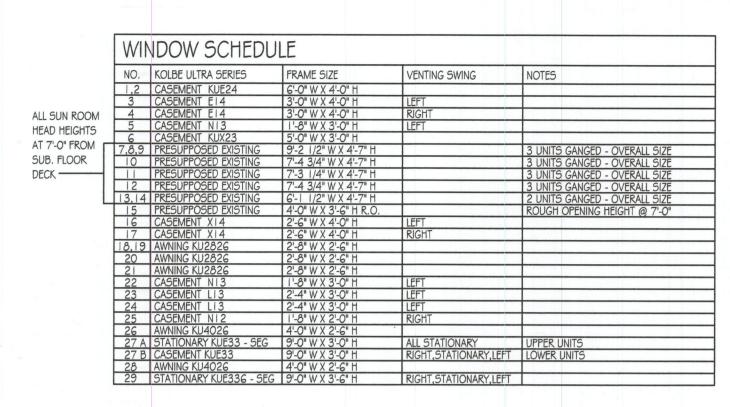


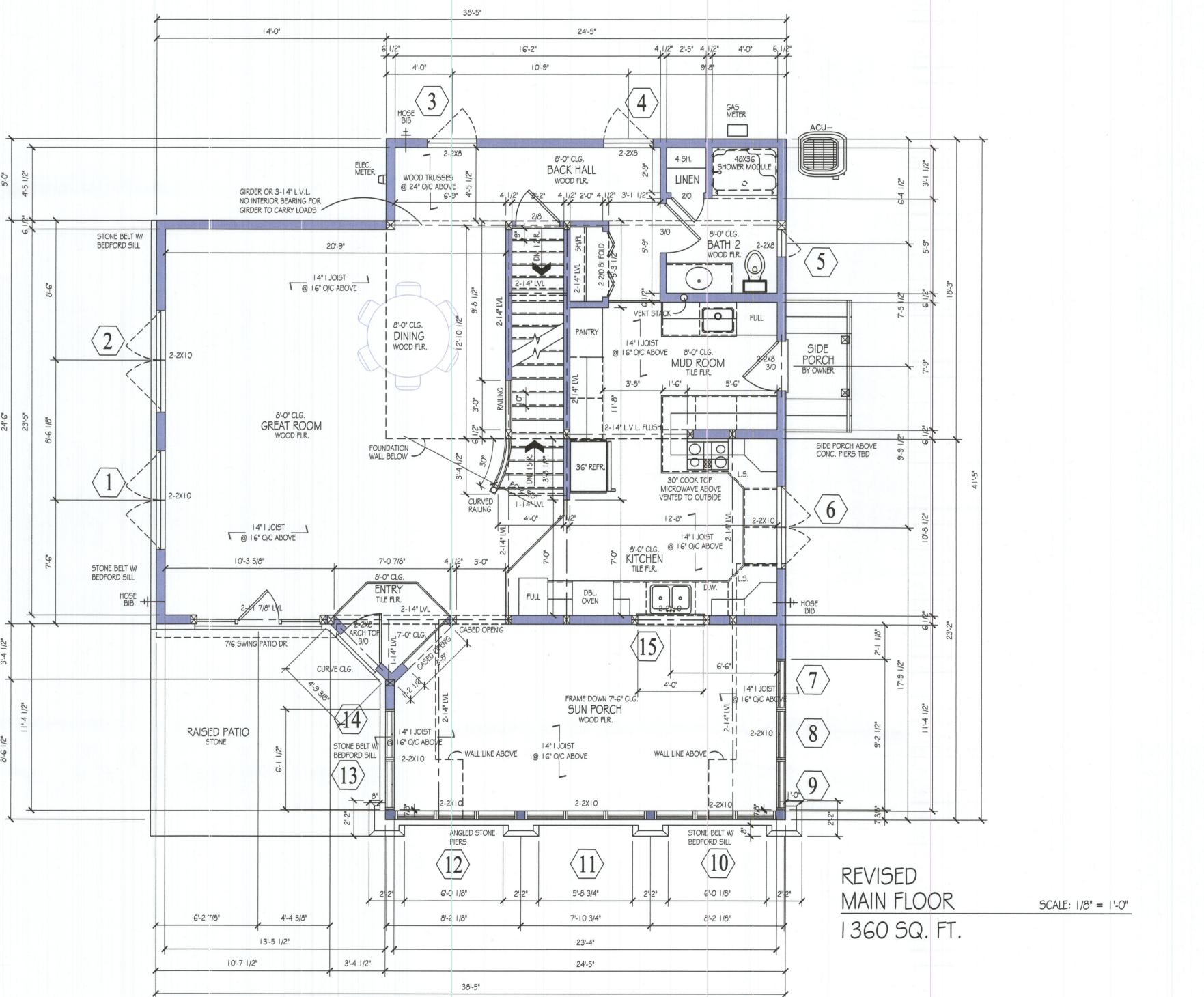
DDITION FOR:

IM & PATRICIA SAEWERT

347 406TH AVE.

WERS LAKE, WI 53128

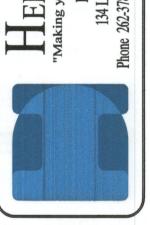




REVISED SQ. FT 2505 DATE REV. 9-18-2020



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Web Site: hidhomenlang com

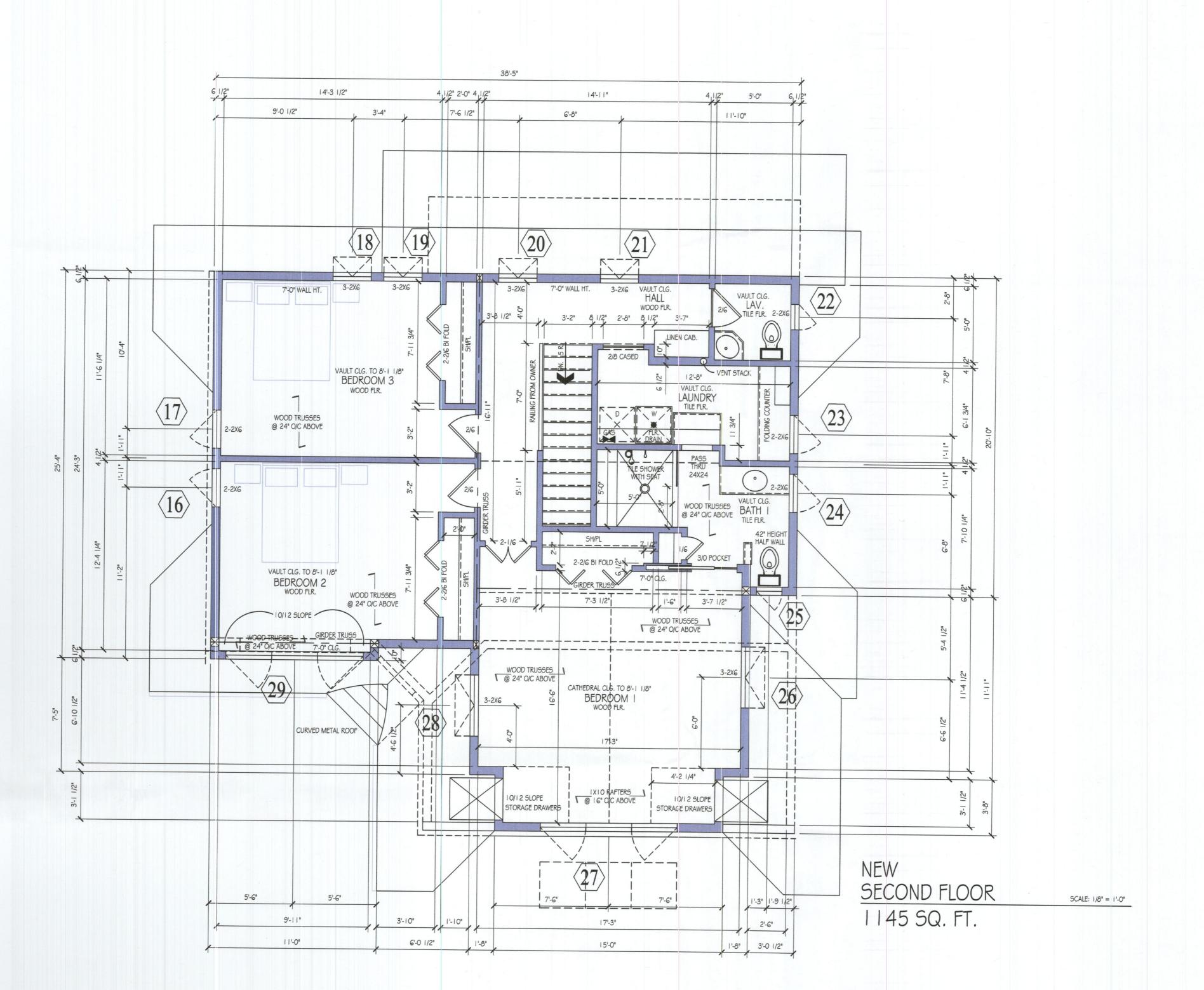


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